

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN FIELDS,	§	
	§	No. 520, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0410008516
Appellee.	§	

Submitted: August 24, 2010

Decided: October 25, 2010

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 25th day of October 2010, it appears to the Court that:

(1) The appellant, Kevin Fields, filed this appeal from the Superior Court’s July 14, 2010 order denying his June 29, 2010 “request for review of sentence and credit time served.” In his opening brief on appeal, Fields complains that the Superior Court’s May 20, 2009 sentence (as modified on June 23, 2009) failed to credit him with seventeen days he spent incarcerated in default of bail (“time-served claim”). The appellee, State of Delaware, has filed a motion to affirm the Superior Court’s judgment on the ground

that it is manifest on the face of the opening brief that the appeal is without merit.¹

(2) It appears to the Court that Fields raised the time-served claim in his prior appeal from the Superior Court's October 22, 2009 denial of his October 15, 2009 "motion to correct an illegal sentence and credit for time served." By Order dated April 28, 2010, we concluded that the time-served claim was "factually incorrect" and "without merit" and affirmed the judgment of the Superior Court.²

(3) Fields' time-served claim in essence relates to the Department of Correction's method of applying good time credits to his sentence. A writ of mandamus in the Superior Court is the proper procedural vehicle when a prisoner seeks to challenge the Department of Correction's calculation or application of good time credit to a sentence.³

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ Del. Supr. Ct. R. 25(a).

² *Fields v. State*, 2010 WL 1711768 (Del. Supr.). By Order dated May 25, 2010, the Court denied Fields' motion for reargument.

³ See *Young v. State*, 2009 3286026 (Del. Supr.) (listing cases); *Hawkes v. State*, 2009 WL 3087271 (Del. Supr.); *In re Johnson*, 2007 WL 4216981 (Del. Supr.).